

Adopted	Rejected
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## COMMITTEE REPORT

<b>YES:</b>	<b>8</b>
<b>NO:</b>	<b>0</b>

### MR. SPEAKER:

*Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 189, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 environmental law.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 13-22-3-10 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) In addition
- 8 to any other requirements, a permit may not be issued under this
- 9 chapter for the construction or operation of a hazardous waste facility
- 10 to be used for the destruction or treatment of a chemical munition
- 11 unless the person applying for the permit has demonstrated all of the
- 12 following:
- 13 (1) That the destruction or treatment technology to be used at the
- 14 proposed hazardous waste facility has been in operation:

1 (A) at a facility comparable to the proposed hazardous waste  
2 facility; and

3 (B) for a time sufficient to demonstrate **either:**

4 (i) that ninety-nine and nine thousand nine hundred  
5 ninety-nine ten thousandths percent (99.9999%) of the  
6 chemical munition processed at the comparable facility has  
7 been destroyed or treated; **or**

8 (ii) **that the chemical munition processed at the**  
9 **comparable facility has been destroyed or treated to the**  
10 **extent equivalent to or better than that described in**  
11 **item (i) as measured by a scientifically valid**  
12 **methodology accepted by the commissioner.**

13 (2) That monitoring data from a comparable hazardous waste  
14 facility demonstrates that there are no emissions from the  
15 comparable facility that alone or in combination with another  
16 substance present a risk of any of the following:

17 (A) An acute or a chronic human health effect.

18 (B) An adverse environmental effect.

19 (3) That a plan to:

20 (A) provide sufficient training, coordination, and equipment for  
21 state and local emergency response personnel needed to  
22 respond to possible releases of harmful substances from the  
23 proposed hazardous waste facility; and

24 (B) evacuate persons in the geographic area at risk from the  
25 worst possible release of:

26 (i) the chemical munition; or

27 (ii) a substance related to the destruction or treatment of the  
28 chemical munition;

29 from the proposed hazardous waste facility;

30 has been funded and developed.

31 **(b) If the department issues a permit for a facility under this**  
32 **section, the department shall implement an inspection protocol for**

1       **the facility to ensure that the requirements of IC 13 applicable to**  
2       **the facility are met.".**

3       Renumber all SECTIONS consecutively.

(Reference is to SB 189 as printed January 23, 2004.)

**and when so amended that said bill do pass.**

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Representative Pelath